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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,060	04/19/2000	Peter J. Lange	10991401-1	3358

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EXAMINER
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LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/552,060

Applicant(s)

LANGE ET AL.

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "processing system, the processing system comprising at least one processor" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. Claims 2 and 5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose what exactly is "a processing system" since this processing system is not shown in drawings.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Sivan et al. (6,281,874).

Regarding claim 4, Sivan discloses (Figs. 2 and 3) a method of displaying an image embedded in a web page, comprising the steps of: determining the desired length, in one dimension, of a browser window to be used to display the image (Fig. 3d);

Scaling the image, using a constant aspect ratio, to match the desire length; displaying the image (Fig. 2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (6,310,601) in view of Kita (5,172,103).

Regarding claims 1 and 3, Moore discloses (Figs. 1-5) a method and system for displaying an image embedded in a web page, comprising the steps of: determining the current resolution of the display (col. 5, lines 38-47); determining the desired physical size of the image to be displayed (Fig. 3, steps 305-309); and displaying the image at the desired physical size (col. 5, lines 18-33).

Moore fails to explicitly teach the means for determining the physical size and resolution of the display.

However, Moore also mentions, at column 5, lines 39-42, that the "typical computer screen running in VGA (Video Graphics Adapter) mode. In this mode the screen resolution is 640 pixels by 480 pixels by 8 bit color per pixel." It would have been obvious to a person of ordinary skill in the art to recognize that the web server must determine the display size and resolution of the display in order to send an appropriate reduced sized image to fit the user's display screen.

Furthermore, Kita ('103) discloses (Figs. 1-4) a medical workstation (20) includes a display screen (25) wherein the physical size and the resolution of the display screen is predetermined (see column 1, lines 62-65). Kita further teaches that the original image from the network system (10) is sent to the user workstation can be reduced/enlarged in association with the display size and resolution (col. 1, line 66 to col. 2, line 2). It would have been obvious to the person of ordinary skill in the art to use the network/user image management system of Kita into the server/user display

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system of Moore to provide an image display system, which can display images on a user display screen at a predetermined ratio for improving observation efficiency.

Regarding claims 2 and 5, note the rejection as set forth above with respect to claims 1 and 3. Kita further discloses (Figs. 1 and 2) an image stored in the system (data base 60) and a processing system (workstation 20) comprises at least one processor (display controller 28) for scaling the image.

Regarding claim 4, note the rejection as set forth above with respect to claims 1 and 3. Kita further discloses (Fig. 3) the scaling of the image using a constant aspect ratio. See column 3, line 60 to column 4, line 5. Furthermore, Moore also teaches the value WIDTH=nn "this changes the width of the image to the number of pixels specified by 'nn'. The height of the image is not changed by this option."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Kotha et al. (6,067,071) disclose a display controller in a computer system controls the output of graphics display data in a computer system having a fixed resolution flat panel display.

-West et al. (6,339,434) disclose an image scaling circuit for increasing or decreasing the size of a sampled image to match a fixed resolution display.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

M. Luu  
August 8, 2002

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU  
PRIMARY EXAMINER**